

## REMARKS

The claims have been amended to more particularly point out and distinctly claim applicant's invention and to put the claims in better form for appeal. In particular, claim 3 has been amended to add some inadvertently omitted punctuation. This amendment is fully supported by the application as filed, and in particular by the specification at page 3, lines 6-8 and by the Figures, and present no new matter.

Claims 1 stands finally rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,204,680 ("Barry"). This rejection is respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner states that Barry discloses a captive screw comprising a ferrule (18); a screw having a head (21), shank (27), threads (26) and collar (25); and a spring (20). The Examiner notes that the screw is captured in the ferrule.

Responding to applicant's argument that the references to Barry do not show a collar, the Examiner disagrees, stating that a collar is referenced at number 25 in Barry. The Examiner states in the alternative that the location where the threads ends which form a lip could be read as a collar. The Examiner concludes the claims do not set forth any distinguishing features to the collar which would define it over that shown in the prior art.

Applicant respectfully disagrees.

The structure identified by reference number 25 in Barry is not a collar, as required by the present claims, but rather a retaining ring differing both in structure and in function from the collar of the present invention. Barry's retaining ring is not "formed on the shank" as required by claim 1, but rather is a separate structural element that is "free to move along the non-threaded throat 27 of the screw 10 and may take up any position on the throat between the flange 22 and main frame 14, or between the flange 22 and the threads 26 if the threaded

portion of the screw is not completely embedded in the main frame" (col. 1, line 72 – col. 2, line

4). Because the collar of the present invention is formed on the shank of the screw, it cannot move along the shank.

The Examiner's alternative reading finds no support in Barry. Barry does not disclose a lip to be formed at the location where the treads end. In fact, Barry's disclosure contradicts the Examiner's assertion that such a lip exists. Fig. 7 shows the male thread of the screw engaging the female thread of the main frame 14 to the extent that the unthreaded portion of the screw partially extends into the tapped hole 12 in the main frame 14. If a lip existed, this could not happen.

Because Barry does not identically disclose applicant's invention, reconsideration and withdrawal of the rejection entered under 35 U.S.C. 102(b) over Barry are respectfully requested.

Further, as previously noted, the presently claimed invention is not obvious over Barry.

Barry's spring's function is to fully retract the screw into the "stand-off bushing" or ferrule, "thus permitting movement of the removable panel sideways with respect to the main frame, without scratching the main frame or damaging the threads of the screw" (col. 1, lines 30-33). Thus, one of ordinary skill in the art would have no motivation to provide a collar on the shank of the screw. Providing such a collar would prevent full retraction of the screw into the stand-up bushing or ferrule, and Barry's essential purpose would not be achieved if this occurred.

Claims 2-5 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Barry as applied to claim 1 above, and further in view of U.S. Patent 5,941,669 ("Aukzemas"). This rejection is likewise respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner states that Aukzemas discloses the particulars of the ferrule. The Examiner notes in particular that the ferrule is disclosed as having a knurled outer surface including a groove (32) and annular lip (generally at 30).

The Examiner concludes that at the time the invention was made, it would have been obvious for one of ordinary skill in the art to the exterior of the ferrule of Barry as disclosed in the Aukzemas in order to improve its attachment to the panel. The Examiner restates that the ring on the ferrule being bent is a product-by-process limitation wherein it is merely the final product that is considered for patentability, and that Barry shows a ring (22).

The Examiner's conclusion is not correct.

There is nothing in the combination of Barry and Aukzemas, or either cited reference considered individually, that would render the presently claimed invention obvious to one of ordinary skill in the art at the time the invention was made.

Aukzemas discloses a conventionally threaded screw shank, without a collar, such as is required by applicant's independent claim 1. Each of dependent claims 2-5 ultimately depend from claim 1, and thus each incorporates the limitation of the required collar. Thus, the combination of Barry and Aukzemas does not make out a *prima facie* case of obviousness, because the combination does not include all the limitations of the rejected claims.

Further, there is nothing in either of the cited references that teaches or suggests that the penetration of the screw into the main frame or panel be limited by the provision of a collar. The screw threads in Aukzemas extends all the way through the second panel 60 when the screw joins the first and second panels such the two panels are in contact with one another (Fig. 1). Similarly, there is nothing in Barry to space the panel 16 from the main frame 14 when the screw fastener is fully engaged (Fig. 7).

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Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 103(a) over Barry in view of Aukzemas are respectfully requested for these reasons.

As the present application is now believed in condition for allowance, early reconsideration and allowance of all claims presently in the application are earnestly solicited.

August 27, 2002

Respectfully submitted,

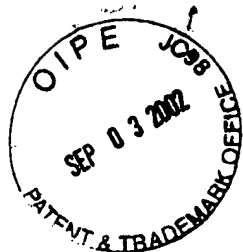


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent  
appln. of: Albert J. FRATTAROLA

Serial No.: 09/803,221

Filed: March 9, 2001

For: **FLOATING CAPTIVE SCREW**

Grp. Art Unit: 3627

Examiner: Flemming Saether

Atty. Dkt.: 61-01

Box Amendments Non-Fee  
Commissioner for Patents  
Washington, DC 20231

**VERSION WITH MARKINGS TO SHOW CHANGES**

The marked up version of the amended claims is as follows:

-- 3.(amended)      A captive screw according to claim 1 wherein the ferrule is formed with an annular collapsible ring section formed on the bottom having a generally circular opening large enough to permit the threads, collar, and the screw to pass through but not large enough to permit the spring to pass through, the annular ring section being bent upwardly to captivate the screw on the ferrule during assembly of the captive screw. --